

WAC 391-08-120 Filing and service of documents. (1) The agency will post on its website at www.perc.wa.gov information for filing using the agency's e-filing system, the email address for filing by email, the mailing address for filing by mail, and the street address for filing by personal delivery.

(2) Documents may be filed with the agency by one of the following methods:

- (a) E-filing on the agency's website at www.perc.wa.gov;
- (b) Email to filing@perc.wa.gov;
- (c) First class, registered, or certified mail to the agency's Olympia mailing address;
- (d) Commercial parcel delivery to the agency's Olympia office;
- (e) Hand delivery to the agency's Olympia office; or
- (f) Other methods posted on the agency website at www.perc.wa.gov.

(3) Documents filed with the agency must be served on all parties on the same day the documents are filed. Service must be upon counsel and representatives of record, or upon unrepresented parties or upon their agents designated by them or by law.

(4) Unless otherwise ordered by the agency in a particular proceeding, filing and service is complete upon one or a combination of the following methods:

(a) E-filing. Filing is complete when a legible copy of the document is successfully uploaded to the e-filing system. Service is complete upon receipt of the entire electronic transmission by the recipient. The metadata created by the successful transmission of the email will serve as the record of the time of service.

(b) Email. Filing or service is complete upon receipt of the entire electronic transmission by the recipient. The metadata created by the successful transmission of the email will serve as the record of the time of filing or service.

(c) Depositing the document(s) correctly addressed and postage paid, in the U.S. mail.

(d) Acceptance of the document(s) for delivery by a commercial parcel delivery company.

(e) Hand delivery.

(5) A document uploaded to the agency's e-filing system or an email received by the agency after 5:00 p.m. is considered filed on the following business day.

(6) On the same day that filing and service of documents is completed under subsection (3) of this section, the person who completed service must take one of the following actions:

(a) Obtain the confirmation of filing and service upon the recipient(s) generated by the agency's e-filing system under subsection (4)(a) of this section.

(b) Make a certificate stating that the person signing the certificate completed service of the document(s) by:

(i) Electronically transmitting a copy under subsection (4)(b) of this section;

(ii) Mailing a copy under subsection (4)(c) of this section;

(iii) Depositing a copy with a commercial parcel delivery company named in the certificate under subsection (4)(d) of this section; or

(iv) Personally delivering a copy under subsection (4)(e) of this section.

(c) Obtain an acknowledgment of service from the person who accepted personal service under subsection (4)(e) of this section.

(7) Where the sufficiency of service is contested, a confirmation of filing obtained under subsection (6) (a) of this section, a certificate of service made under subsection (6) (b) of this section, or an acknowledgment of service obtained under subsection (6) (c) of this section constitutes proof of service.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, § 391-08-120, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.280(2), 49.39.060. WSR 16-05-033, § 391-08-120, filed 2/9/16, effective 3/11/16. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050 and 34.05.010 (6) and (19). WSR 00-14-048, § 391-08-120, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-08-120, filed 7/1/98, effective 8/1/98. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050 and 34.05.010 (6) and (18). WSR 96-07-105, § 391-08-120, filed 3/20/96, effective 4/20/96. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110 and chapters 28B.52, 41.56, 41.58, 41.59, 49.08 and 53.18 RCW. WSR 90-06-070, § 391-08-120, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. WSR 88-12-053 (Order 88-01), § 391-08-120, filed 5/31/88. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. WSR 83-24-031 (Order 83-01), § 391-08-120, filed 12/1/83, effective 1/1/84; Order 77-1, § 391-08-120, filed 1/27/77.]